

145 (Amended) The apparatus of claim 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein at least one sensor in said sensor array further comprises a thermometer such that said at least one sensor can conduct a dielectric constant measurement and a thermal measurement simultaneously.

*C6*  
*C3*

#### REMARKS

The Office Action mailed November 19, 2002 suggested that claims 131 to 145 were non-compliant for failure to submit a marked-up version of these claims. In the present Amendment, Applicants have submitted a clean and a marked-up version of the allegedly non-compliant claims. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants may file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSION

The actions taken in this response are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

Since the Examiner has indicated the allowability of the claims in the present application, Applicants request that the present application be allowed and passed to issuance at the Examiner's earliest convenience.

If the Examiner has any comments or suggestions, which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-0496 in the name of Symyx Technologies, Inc. for any fee which may be due.

Respectfully submitted,  
DOBRUSIN & THENNISCH PC  
Attorney For Applicant

  
\_\_\_\_\_  
Scott A. Chapple  
Reg. No. 46,287

401 S. Old Woodward Ave.  
Suite 311  
Birmingham, MI 48009  
(248) 593-9900  
12-9, 2002  
Attorney Docket No.: 1012-001(98-23)



## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### **In the Claims:**

Claims 131, 132, 134, 135, 138, 140, 141, 143 and 145 have been amended as follows:

131. (Amended) The apparatus of claim[s 113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein the thermal property characterized by said sensor array is at least one selected from the group consisting of heat capacity, thermal conductivity, and thermal stability.

132. (Amended) The apparatus of claim[s 113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein at least one sensor in said sensor array comprises:

a microthin film membrane supported by said substrate such that said sensor array is an array of microthin film windows; and

a heater/thermometer pattern disposed on said microthin film membrane.

134. (Amended) The apparatus of claim[s 113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein said microthin film membrane forming said at least one sensor is a silicon nitride membrane, and wherein said substrate supporting said silicon nitride membranes in said sensor array is a silicon wafer.

135. (Amended) The apparatus of claim[s 113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein said substrate is made of a polymer sheet, and wherein said sensor array includes a plurality of heaters/thermometers disposed on said polymer sheet.

138. (Amended) The apparatus of claim [113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein said substrate is made of a poor thermal conducting material that is at least 100 microns thick,

RECEIVED  
DEC 13 2002  
TC 2800 MAIL ROOM  
en

and wherein said sensor array includes a plurality of heaters/thermometers disposed on said poor thermal conducting material.

140. (Amended) The apparatus of claim [113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein said substrate is made of a polymer sheet.

141. (Amended) The apparatus of claim [113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein said substrate is made from a material having poor thermal conductivity and is placed on a heater block, and wherein said sensor array includes a plurality of temperature sensors disposed on the substrate such that a temperature difference between a first portion and a second portion of the substrate can be determined.

143. (Amended) The apparatus of claim [113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein the at least one thermal property characterized by said sensor array is a complex dielectric constant.

145. (Amended) The apparatus of claim [113-124] 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 or 124, wherein at least one sensor in said sensor array further comprises a thermometer such that said at least one sensor can conduct a dielectric constant measurement and a thermal measurement simultaneously.